

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



PATRICIA REYNOLDS, et al.,

Plaintiffs,

v.

CIVIL NO. 05-CV-72850-DT
HONORABLE BERNARD A. FRIEDMAN

SUSANNE E. HARRIS-SPICER, et al.,

Defendants.

FILED

AUG - 1 2005

ORDER TRANSFERRING CASE

CLERK'S OFFICE, DETROIT-PSG
U.S. DISTRICT COURT

Before the Court is Plaintiffs' *pro se* civil rights complaint brought pursuant to 42 U.S.C. § 1983. Defendants are several Michigan Department of Corrections ("MDOC") officials employed in Lansing, Michigan, at the Boyer Road Correctional Facility in Carson City, Michigan, and at the Chippewa Correctional Facility in Kincheloe, Michigan, the MDOC, MDOC Director Patricia Caruso, the Michigan Attorney General's Office, and Michigan Attorney General Mike Cox.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. See 28 U.S.C. § 1391(b). Public officials "reside" in the county where they serve. See *O'Neill v. Battisti*, 472 F.2d 789, 791 (6TH Cir. 1972). Additionally, pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses in the interest of justice.

In this case, the MDOC and State employees who work in Lansing, Michigan reside in Ingham County, which lies in the Southern Division of the Western District of Michigan. See 28 U.S.C. § 102(b). The employees at the Boyer Road Correctional Facility reside in Montcalm County, which also lies in the Southern Division of the Western District of Michigan. *Id.* The employees at the Chippewa Correctional Facility reside in Chippewa County, which lies in the Northern Division of the Western District of Michigan. *Id.* The Court finds that this action could be more conveniently and efficiently adjudicated in the Western District of Michigan.

Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. See 28 U.S.C. §§ 1391(b) and 1404(a).

DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: 7/27/05